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SEMINAR REPORT

**SYMPOSIUM ON CREATIVITY,
CONTROLS, AND ETHICS**



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CENTER FOR THE STUDY OF INTELLIGENCE

CENTRAL INTELLIGENCE AGENCY

MARCH 29-30, 1978

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CONTROLS, AND ETHICS**



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INTRODUCTION

The topics of this Symposium are critical issues at this stage in the development of American intelligence. They are of concern to policy makers, communications media, scholars engaged in the study of political processes, and to the public. They are of vital importance to all members of the intelligence profession, and particularly to those within the Central Intelligence Agency.

The discussion of creativity and ethics in the CIA received a new and formal impetus when Deputy Director of Central Intelligence E.H. Knoche proposed that a vigorous examination of these issues be undertaken within the framework of symposiums with participants from all parts of the Agency. In late 1976 and again in 1977 such groups of CIA officers gathered under the auspices of the Center for the Study of Intelligence to discuss the interaction of controls, ethical considerations, creativity, and initiative in the Agency.

The present Symposium has sought to extend and complete that discussion. During the two days of its duration the participants not only expressed ideas and viewpoints as intelligence practitioners and professionals, but had the opportunity also to receive and challenge the views of scholars who have studied the same fundamental issues outside of our own institutional confines.

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Setting the tone and defining the mission of the Symposium, Deputy Director for Administration John F. Blake addressed the conference early in its deliberations. He noted that the continuing process of self-examination and internal assessment of values and discipline has demonstrated the strength and awareness of the Agency. He urged the Symposium to provide a final distillation of the discussion of the topics so that the report of the Warrenton deliberations can be forwarded to the DCI for his comment and be given wide circulation within the Agency.

In adjourning the Symposium, the chairman commented on the fine presentations made by the outside speakers, as well as on the vigor and seriousness of discussions that took place in the two-day period. He summed up the spirit of the Symposium with a quotation from John Stuart Mill: "One person with a belief is a social power equal to ninety nine who only have interest."

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OUTSIDE SPEAKERS

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The keynote speaker of the symposium was
Professor of Politics and Dean of Harvard University's
John F. Kennedy School of Government. Characterized by
clarity of thought and understanding of the processes of
intelligence, his presentation made an excellent and challeng-
ing introduction to the subjects to be discussed.

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Professor stated his topic as, "Is It Possible
to Devise Useful Guidelines for Clandestine Intelligence
Activities Against Non-U.S. Persons Abroad?" and, at the
outset, declared his answer to be in the affirmative.
Pointing out first that guidelines already exist, he under-
took to offer an analysis of the present need and framework
for them as well as propose the substance that such guidelines
should properly contain.

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In general, a set of guidelines should include:

1. Rules (general principles and specific rules);
2. A process for applying the rules;
3. A process for enforcing the application
of the rules; and
4. A process for overseeing the above areas.

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A system of rules certainly exists today and effectively influences organizational and individual behavior. In addition, and importantly, there is the element of the "Personnel System," defined as the overall complex of the structure, organizational dynamics, and character of the human society that is the profession of intelligence.

[] suggested that it is, above all, through analysis and understanding of the "Personnel System" that the need for guidelines should be developed.

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In summary, [] found that general principles are not currently adequately articulated, and, in particular, cited documents such as PRM 11 and S. 2525.

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Turning to the framework for guidelines, [] put forward two questions of fundamental importance to his analysis:

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1. Why should the United States engage in any clandestine activities at all?
2. Can actions against foreign nationals abroad have a negative impact on American values?

On the first question, [] argued vigorously that the reality of the world at present renders clandestine intelligence activities essential to national security and

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likely to become increasingly valuable in the next several years. He noted that the CIA is not adequately presenting this argument in public forums. He referred to examples such as: intelligence activities as a prerequisite of strategic arms limitation; challenge of transnational terrorism ("Entebbe situation"); dangers of diversion of nuclear fuel.

[] answered the second question also in the affirmative, citing several considerations. While the Bill of Rights does not apply to non-citizens, intelligence operations cannot be permitted to violate the rights of a foreign national, while at the same time the United States advocates human rights as a basic principle of foreign policy. It is in fact possible for foreign intelligence activities to undermine U. S. foreign policy objectives. []

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"Moreover," [] said, "the power of U.S. example in the conduct of foreign affairs is greatly underestimated at home. At the same time, the United States, with its open democratic system of government, is most vulnerable to the spread of international lawlessness."

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Having considered the need and setting for intelligence guidelines, [] proposed the following three general principles:

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1. Espionage is an extraordinary remedy;

2. The president and the government should not undertake actions in secret that could not in principle be defended to the U.S. public and meet the test of political viability in the U.S. political arena;

3. Because clandestine activities cannot be publicly supervised, they must be overseen by a surrogate process.

He elaborated:

Re 1.: In wartime, espionage is not extraordinary; in "normal times," however, there is a presumption against clandestinity with the burden of proof resting on the proponents of clandestine activity.

Re 2.: This is a "democratic presumption" embodied in the U.S. Constitution, and it poses an institutional challenge to the accountability process.

Hence:

Re 3.: The need for a surrogate process of oversight; since clandestine activity cannot be public--it should be serious, private, and disciplined.

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There are two specific implications of these three principles:

1. Covert action must be consistent with policy;
2. The President and the Director of Central Intelligence must defend in public general categories of clandestine activity (but not specific actions).

[] cited also a fourth principle, which is being urged from within the U.S. Government itself, and which he considers incorrect. This is the "publicity criterion," or: "Would you be proud of the clandestine activity if it were made public?" As a general guiding principle, it suffers from being both too loose ("proud" is a subjective determination) and too tight (clandestine activity is secret for the reason that it should not be made the object of publicity).

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In closing, [] reiterated his opposition to the unwise course of freezing guidelines through legislation. He stressed that guidelines, where appropriate, should be subject to special findings and procedures for waivers (as many are now). Finally, he urged that internal regulations, too, should reflect the wisdom of flexibility needed to carry out the intelligence function consistent with prevailing policies and conditions.

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2.

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According to the Symposium's second speaker, Professor of the Federal Executive Institute, it would be a mistake for the Agency's personnel to seek its values and its satisfactions from outside the Agency and outside of ourselves. We live today, particularly in the aftermath of Watergate, in an anti-bureaucratic culture in which the public views government with hostility and distrust. We cannot therefore expect to be loved, and in this environment "must expect to take some heavy hits", especially in an organization in which we cannot disclose what we are doing and in which our successes go largely unsung. We must therefore develop our own internal measuring device, in which the essence is not how others value us but how we value what we are doing for ourselves and for our country.

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Believing that the United States is "a democracy of means" rather than "a democracy of ends", Professor urged that the CIA reflect in its behavior the values in which it believes, avoiding a "we-they" syndrome in which the Agency isolates itself from the public, the Congress and the press. The burden of defending or justifying its behavior pattern is on the CIA, "the secret entity", which must demonstrate that its actions contribute more than they subtract in a free and open society.

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Pointing out that "values become very much the essence of how choices are made," Professor [] said that we carry our values with us, and that they are essentially locked into each individual by the time he reaches twenty-one years. He described the years from one to seven as the period when values are imprinted, the years eight to thirteen as modeling years with conduct conditioned by those around us, and the years fourteen to twenty as a socialization period in which the earlier values are generally reinforced. These values change from generation to generation. For those of us who matured in the forties and fifties, the crucible of experience was the military. But the best and the brightest young people from the sixties and seventies are a product of different value perceptions and behavior, and with a different perception of what constitutes a threat to the United States. In illustration Professor [] cited the Harvard Class of '68 of whom only 36 (out of 1400) entered the military, and none of whom died in Vietnam.

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Professor [] concluded by mentioning four major philosophic tension points which impact on American values:

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1. the tension between liberty and equality in a society based on the concept of liberty (today the traditional view is widely questioned, as for example, in the work of

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John Rawls, in which the need is stressed for a more fitting accomodation between the concepts of liberty and equality);

2. the Protestant work ethic versus the rising psychology of entitlement;

3. the tension between the Hamiltonians and the Jeffersonians' belief that they govern best who govern least; and

4. the tensions arising from different perceptions of the role of the U.S. in the world -- i.e. should the U.S. intervene in the affairs of others, should it be content to be a model or should it simply let the rest of the world go to hell?

These tensions are further exacerbated by the implosive impact of technology resulting in a collapse of traditional boundaries. We are, Professor concluded, living in an era of ambiguity and redefinition in which, if one is to be creative, one must know the turf on which one stands.

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3.

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The final Symposium speaker stressed in his introduction that he would confine his remarks to his experience in the ethical issues of military leadership, letting the Symposium derive whatever general application there might be.

Stating that "management is of the mind, whereas leadership is of the heart," defined leadership and professionalism as the product of competence, motivation, and ethics. In defining the underlying consideration, i.e., the function of the military, stated that more important than the primary objective of "meeting the enemy and destroying him" was the duty to advise on means of military defense, to advise civilian superiors on military means and methods of deterring and avoiding conflict, and to fight and win only if war cannot be avoided when deterrence fails.

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Such an understanding of its function gives the military a sense of place in which it can serve with dignity and pride in the knowledge that it can do the job with some reasonable expectation of success. This all-important sense of place, therefore, comes from a "reasonable apprehension of mission and authority lines."

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Efforts to examine and analyze the military ethic have been under way for some time. Its essential elements are duty, honor, and country--vague terms perhaps, but they have served reasonably well over the years. Honor is more than honesty and integrity, and duty is more than rules, regulations, and laws.

If the military does not have an ethical position, its credibility with the public and with the Congress is lost, its vitality and initiative are stifled. Yet, said that the concept of "zero defects" is absurd, being a standard which squeezes out the lifeblood of quality personnel and leads to rewarding the trivial.

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Ethics is like a spider web: pick it up and you destroy it. Ethics must be innate--"a matter of character, a set of standards applied on duty and in private life." Quoting Einstein, he said, "Try not to be a man of success but a man of value." Ethics cannot be taught, and lawyers cannot be keepers of conscience; "as soon as you appoint an ethics officer, you have lost the game".

In summary, "If you want to be ethical, get an ethical boss; if you want ethical subordinates, be an ethical boss."

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CONFIDENTIAL**PANEL DISCUSSIONS--FIRST DAY****Panel on Controls**

Having decided that there was a definitional problem, the panel agreed to eliminate the word "security" from the charge and to address its discussions to "controls" without limiting itself to "security controls." In general, the importance and the necessity of controls in an intelligence organization were uniformly accepted. On that basis, however, the consensus became somewhat critical of the nature and the effect of the present-day control situation in the Agency.

The panel concluded that existing controls have a significant impeding effect on various fundamental areas of activity, noting in this connection that it is not only controls but the perceptions of those controls, in the United States and abroad, that impinge on the effectiveness of our work. [REDACTED]

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[REDACTED] In a
business which is risky at best, risks become intolerable when the subjects perceive that controls are so extensive that knowledge is shared with an excessively large number of

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people. This problem arises not only in connection with the

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It is fairly easy to criticize existing controls, but much more difficult to suggest acceptable improvement. In general, there was agreement that current controls do require extensive tuning, but the most important thing was to

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provide a capability to obtain exceptions and waivers in a timely and effective way. There is an easy distinction that is often made between what is considered an absolutely evil and wicked lawless search and the perfectly acceptable, properly warranted search. Yet, the fact is that in Arlington County a police officer can obtain a search warrant in about 10 or 15 minutes from a magistrate who is on duty around the clock. No such easy opportunity is available to a foreign intelligence agency. In this connection, it is recommended that the Agency keep records of specific cases where the rigidity of these controls thwarted effective and necessary action.

While no specific damage was identified in the area of security investigations, it was also concluded that both FOIA and the Privacy Act create enormous problems for the Agency. The specifics of these problems have been discussed elsewhere, but the panel reiterated the hope that an adjustment would be made in the provisions of the Freedom of Information legislation to give some special treatment to the CIA. The panel recommended that the Agency should start thinking, planning, and acting without delay to accelerate this desirable improvement.

In summary, the panel concluded that controls were very much part of our life and not an entirely undesirable part.

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However, we must be concerned about effectiveness of intelligence, and we must, therefore, realize that many of the existing and impending controls have unreasonable and unworkable aspects. It is of paramount importance that the Agency should work closely with Congressional oversight committees to refine these controls and, in particular, to provide procedural exceptions and provisions for waivers.

An additional point was vigorously discussed after the conclusion of the panel's report. Many symposium participants expressed the view that as a result of the outward flow of information from the Agency through FOIA channels, as a result of great numbers of books by former CIA employees that are published with or without appropriate clearance of the Agency, security consciousness of our personnel has dropped dramatically. At the very least there has been a negative effect on the security discipline of active-duty Agency employees.

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Panel on Creativity and Resources

As a result of informed and vigorous discussion, there was strong agreement on the Agency's need for more effective coordination and management of its activities and its products. The panel reported that consumers increasingly voice the need for clearer tasking, less duplication of intelligence activities, and greater responsiveness by operational entities.

Among examples cited in specific support of these conclusions, was dissatisfaction with the present NIO concept, which was described as not adequately addressing the problems of intelligence requirements at the working level. As a result of this institutional inadequacy, there is an excess of informal, personal kinds of tasking relationships. NITC is regarded as a possibly hopeful development, but at this point it appears to lack any life of its own and has not established any working relationships.

In addition, dissemination problems are said to exist, often in cases where intelligence has been collected in response to specific requirements.

Consumers see an overall lack of coordination between SIGINT, HUMINT, PHOTINT, and in the collection of economic intelligence; and internal "squabbles" between CIA and the

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Department of State are seen as damaging to efficient coordination and production.

The opinion was expressed that vast amounts of money ("millions of dollars") could be saved if this problem were addressed more effectively. It was agreed that there is meaning to the word "creativity" in this regard, and that is what is needed in constructing better tasking mechanisms, better coordination, better responsiveness to intelligence needs.

While consumers were reported to be critical of the present tasking structure, and this criticism was also expressed by Agency participants, we agreed that it may be premature to condemn this system, new as it is, because of our fundamental belief that there must be a more centralized and coordinated tasking structure.

We were troubled, however, by the strong conclusion that the "one-agency concept" vigorously fostered by DCI Bush was virtually dead. The pressures of the last year or so were said to have driven NFAC and DDO further apart, and we agreed that there was much less coordination between these two than there was one year ago.

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It was generally agreed that the cuts made in the DDO showed a de facto reduction of the clandestine collection effort, yet with concomitant increases in resources allotted to, for instance, security staff, FOIA staff, analytical staff, and some technical areas.

There was agreement with the findings of a House Appropriations Committee report to the effect that there was not sufficient coordination

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In this connection, we noted the NSC demand for increased political reporting from 30 countries. This illustrates exactly the issue raised in the last paragraph.

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There was agreement that the Agency fundamentally accepts the concept of espionage as an extraordinary activity, but it was stressed that Professor [] phrase "extraordinary remedy" was inaccurate because of its passive connotation. Espionage is an "extraordinary instrument," or whatever phrase describes it adequately as an active rather than responsive activity. There was agreement that better quality and increased quantity of analysis are needed at the present time, but at the same time there is an urgent need for a clear focus of the ever-increasing capability and importance of clandestine collection. We were specifically impressed by what we conceived as a creative opportunity that exists for applying team approaches involving technical, clandestine, and analytical components working together for tasking purposes. It is not something that we consider as adequately utilized in the Agency. To be sure, the weakening and virtual abandonment of the one-Agency concept militates against the possibility of such an approach, but it was strongly recommended that the Agency try it.

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There was a disturbingly large number of instances cited of restraint on creativity in all directorates: In DDS&T, there are financial limits, more approval levels, more paperwork requirements, more constraints in general on doing things in a new or better way. In NFAC, there are strong pressures created by ad hoc requirements and by

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reiterated needs for short-focus reports; there are pressures from the NSC; and there is the inability to isolate analysts from all of these day-to-day pressures as well as a reluctance on the part of the analysts themselves to devote a substantial portion of time and effort to longer-range issues. In the DDA, there are pressures for conformity, a desire for non-controversial reporting. In the DDO, restraints on creativity proceed from ad hoc pressures, from personnel cuts, from a sense of professional and personal uncertainty, from difficulty in interpreting new directives, policies, and orders, as well as pending legislation, operational personnel changes, and continued impact of a changing social environment.

In a spirited discussion, the panel vigorously agreed that the Agency is still dealing with the Congress from a "culprit" posture. In one of the strongest conclusions of the session, the panel said that the Agency must speak forthrightly to both the Executive and the Legislative on what we perceive our mission and role to be. At the same time there needs to be a clearer communication to Agency personnel themselves about our mission and our role. Without such clear statements and adequate communication, we are continuing in a period of uncertainty which is debilitating in terms of creativity, in terms of morale, and in terms of energy and esprit de corps.

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Finally, the panel stressed that there is little problem with ethics compared with the dire problems of restraining creativity. We do not believe intelligence people to be an amoral or unethical group; however, there must be more creativity in reestablishing the intelligence profession in terms of rebuilding credibility with the liaison services and allies which are being threatened by leaks, reports of leaks, FOIA difficulties, litigation, and continued uncertainty of mission. Specifically, the panel came back strongly recommending more creativity in terms of better coordination, better correlation, and trying team approaches within the profession rather than structuring centralized management lines. In summary, the period of uncertainty within which the Agency and the intelligence profession is seeking to function effectively is likely to continue with all of its external pressures; it was concluded, therefore, that we must act to define our mission and our objectives and dispel this uncertainty before it saps our capability and our effectiveness.

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Panel on CIA and the Law

In reference to the first question--namely, the likely impact of Executive Order 12036--there was general agreement that, in general, the Executive Order has had relatively modest impact, principally because the impact on intelligence activity has largely already occurred as a result of the events of the last several years, including the investigations, the press exposes, etc., and is really a consequence of the general atmosphere which has existed and continues to exist rather than the actual provisions of the new Executive Order.

In regard to the proposed legislation, it must be remembered that S. 2525 is currently a legislative draft, and although on its face it would have a substantial effect on intelligence activity, we are still a long way from the final form of the law which will, of course, determine the ultimate effect.

In addition, we must remember that whatever effect this new legislation will have, there is already a very extensive existing body of law and regulations which provide for supervision, control, and procedures of intelligence activity.

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There was agreement that recent developments and interpretations of the law have already had an effect on the way that intelligence business is conducted. As for adverse impact on operations as such, it may be too early to evaluate the effects that may have occurred there. [REDACTED]

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[REDACTED] However, we agree that, because of these recent developments, there is in CIA a tendency to play safe, to leave a considerable safety margin, to take fewer initiatives, and ultimately to restrain creativity and initiative. It was stressed again, however, that these negative developments are the result not so much of any specific recent prohibition as of the environment which has prevailed in the last two or three years.

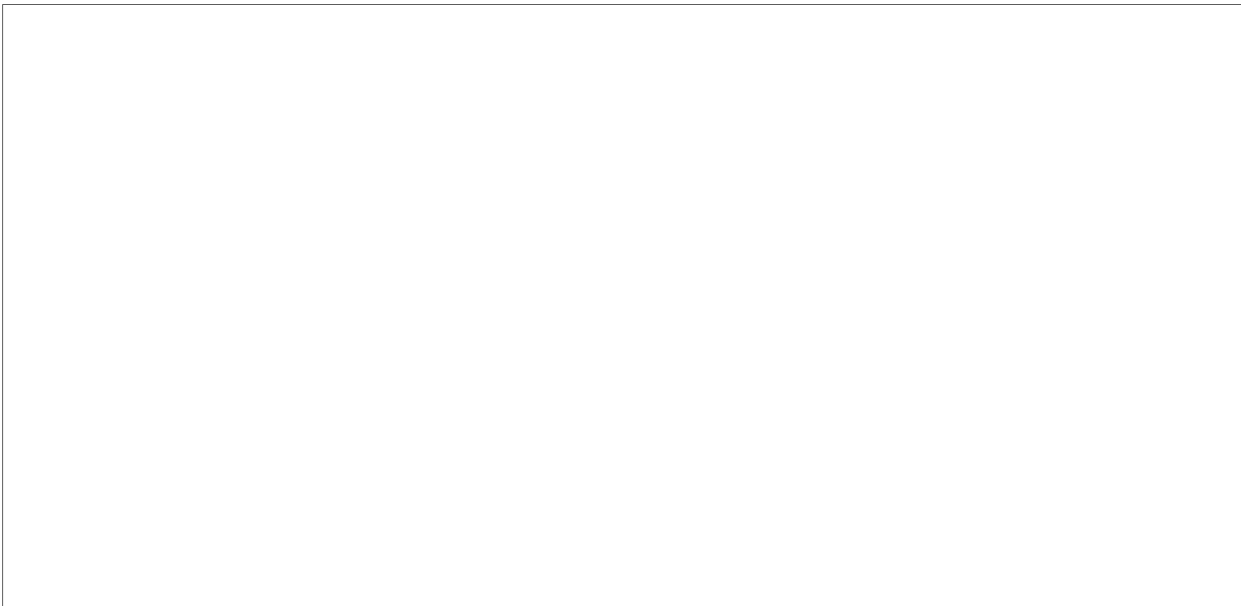
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At the same time, we must realize that the total effect of the Executive Order is still a long way from being seen; principally, because there are some questions that have not been resolved within its framework, and some that have yet to be asked. For instance, there is a great number of procedures to be developed under Executive Order 12036, and these have to be approved by the Attorney General. Some of these proposals have already been submitted to the Department of Justice and others will be submitted soon. Until

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they have been approved and tested, we cannot with certainty say what their effect will be.



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There is one other internal consideration which we all try hard to avoid but which we are realistic enough to recognize: in many cases, before getting an activity off the ground, there are many approvals to be obtained, including legal opinions, and the very fact of having to go through a process which may be difficult and time consuming is an inhibiting factor.

There is an interesting difference between Executive Order 11905 and the new 12036: in the former case, CIA was not extensively consulted in the drafting of the order, and problems that had time to arise under the order were frequently

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traceable to that lack of consultation. In the drafting of 12036, CIA was consulted, and therefore, hopefully, problems of inadvertency are not likely to emerge; on the contrary, the restrictive provisions in the order were placed there quite deliberately.

Another area of the law which gives us problems is the lack of meaningful and adequate provisions for protecting intelligence sources and methods. This is not a new problem, and we have been aware of this inadequacy for quite some time. Nevertheless, it is a real problem, and the absence of either criminal or civil sanctions on unauthorized disclosure is a serious defect in the legal framework for intelligence activities.

Finally, mention must be made again of the Freedom of Information Act which has already been discussed in another context. There is a general feeling that the application of this law to the Agency and the forthright and generous way in which it has been implemented by the Agency has had a severe negative impact on our effectiveness. In all candor, however, we are unable to quantify what this impact has been, what things that could have happened did not, what

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Concern for flexibility, or more accurately concern about inflexibility, is a real one and has been reiterated in agreement with the reference that was made to it by Professor Statutory law does not change quickly, and it is difficult or impossible at the time of drafting or enacting to foresee problems arising in the future. Executive orders, on the other hand, have flexibility in virtue of relying on Presidential authority for amendment and change. The Agency is doing its best to participate creatively in shaping the legislation, we must continue to do so, we must continue to educate our personnel, and of course we will carry on our work within whatever statutory framework the Congress decides to enact.

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Panel on Bureaucracy and Paperwork

The panel reached a rather pessimistic consensus: CIA today does not have a very impressive report card on the subject of bureaucracy and paperwork. Before discussing the topic, the panel tried to find a meaningful definition for "bureaucracy" in this context, and concluded that "bureaucracy" would be viewed as "an undesirable style of management." The agreement was that not only is the situation bad, but it can be said to have become worse in all Directorates.

Some of the manifestations are a general tendency towards defensiveness--defensiveness in responding to external criticism; defensiveness in the development and protection of careers; defensiveness in the face of legal problems. The panel pointed also to a trend for authority to creep up, both in the sense of management failing to delegate authority and in the sense of professionals not prepared to accept responsibility.

A fundamental reason for this undesirable state of affairs was described as an absence of any real articulation of what our professional goals are, what our future aims should be, and even what the larger perspectives of our activity are. The extensive legislative proposals and

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existing executive orders contribute little beyond restrictive and prohibitive provisions, resulting in an ever-increasing need to check out initiative and decisions in terms of legal, legislative, and similar implications.

This undesirable style of management, it was agreed, is not productive of innovation; it is not productive of originality; and it is not productive of creativity. When at the same time, there is a tendency to centralize personnel decisions by weakening the Directorate panel system, the likelihood of improvement cannot be rated very highly.

The panel noted that these negative developments cannot be entirely attributed to external developments, pressures, and restriction. To a large extent they present the legacy of habit and attitude acquired during earlier periods of fat budgets, large foreign stations, and a general absence of a need to manage activities with imagination and inventiveness.

In the discussion that followed, some participants argued that the reestablishment of the authority of the branch chief in the Directorate of Operations was a step forward, that it was working effectively, and that it represented a positive trend towards delegation and encouragement of responsibility below top-management level.

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CONFIDENTIAL**PANEL DISCUSSIONS --- SECOND DAY****Panel on Review and Criticism**

To begin with, the panel did an inventory of the various review and advisory processes used by the Agency. It was agreed that the Inspector General's staff had made a tremendous contribution to the process in terms of handling grievances, dissent, and similar matters. In addition, much has been done by the various advisory groups, such as MAG, which represent junior and middle-grade officers and provide a direct channel of communication to the management. Finally, there have been various studies made by outside individuals and contributions of consultants.

Based on this inventory, the panel came to the conclusion that enough data and advice has been collected to achieve a rather complete understanding of the intelligence process, and the time has come to move from what is essentially a passive to an active stance. The panel stated that this symposium has been extremely important in taking an important step closer to synthesizing what we perceive to be the role and the mission of the Agency. So far there has not been any positive effort to develop such a statement and to take an active role and in informing management that we are prepared to develop a definition of our mission in the

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Agency. What is needed now is to leave the review structure the way it is, to thank all the advisory groups that have been formed to analyze and define our problems and to put all of the information together to arrive at a description of our mission. This description should be communicated to the management for their consideration and final definition of mission and objectives.

The time has come when the Agency itself must speak with more clarity and vigor, both internally and externally, on its own behalf, if we are to regain our sense of mission, our professional esprit, and our self respect.

Present Agency spokesmen say, in effect, "the Agency has sinned in the past but it is not sinning now because the restraints imposed by the Congress and the Executive Order have put sin beyond its grasp". The psychological effect of this kind of thinking on the men and women of the Agency is subtle, but in the long run devastating. It robs us of esprit, it denies us any sense of place in the American scheme of things and leaves us with the feeling that we are tolerated only because the unruly world in which we live makes us an unfortunate necessity. Any organization which is forced to think about itself in those terms will not in the long term be worthy of the trust and support of the

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American people. If we are perceived to be trustworthy only because of the application of external restraints, we will in the future come to measure our work as that which can be approved by those who restrain us. Ethics and creativity are meaningless in such a situation, and intelligence becomes more trouble than it is worth.

Since the leaders of the Intelligence Community have not made a case for intelligence in a convincing manner, we are still subjected to ad hoc piecemeal change imposed from without which will have many unintentioned impacts of a negative nature. This view was articulated strongly by Professor [] and voiced frequently by participants in the discussion. The draft legislative charter (S. 2525) lacks any coherent view of intelligence and is largely a patchwork of intended reforms. It is well to remember, as [] also noted, that the role of Congressional oversight is not principally the prevention of wrongdoing, but to allow the constructive conduct of foreign intelligence activities. No one can effectively make the case for intelligence except the Intelligence Community itself and this it has not done.

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Perhaps the most crucial point to be made was that we continue to deal with other elements of the government as

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respected equals, not as suspects, despite more than three years of investigation and harassment. Our posture toward Congress, however, has to become more positive -- we are still in a "culprit-overseer" relationship. Time has come for us to move into a more collegial phase if the oversight process is to become more than a field exercise for eager Congressional staffers who continue to look for evidence of wrongdoing. A sense of mutual trust must be introduced and maintained.

There was unanimous agreement that action is necessary and that urgent action is imperative. It was agreed that a concrete recommendation to this effect must be made as a result of the symposium, in accordance with Mr. Blake's introductory exhortation to that effect.

CONFIDENTIALPanel on Human Rights

There is definitely a problem created for foreign intelligence activity, not so much by the human rights issue as such, but by U.S. policies related to that issue and the way they are being executed. There is general perception that this policy discourages interaction or support relationships between our own intelligence services and the intelligence services in countries in which there are violations of human rights. A mention was made of at least 25 countries, not including communist states (to which these comments do not apply), where potentially this application of the human rights position would absolutely prohibit any relation between our government and the host government. 25X1

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There was some discussion of the fact that the unique difficulties imposed on intelligence activities by the human rights policy are of such a nature that they should be discussed openly, comfortably, and constructively with the oversight committee of Congress. The point was made in this connection that this is another area where we have not developed the confidence to stand up for a legitimate Agency position on an important issue.

CONFIDENTIAL**Panel on Ethics**

Vigorous discussion resulted in the finding that some consciousness-raising activity would be useful to Agency personnel, but there was no sentiment in favor of producing guidelines in the form of a canon of ethics. There was in fact general agreement that Professor [] perception of the importance of a general "Personnel System" as the determinant ethical setting was valid and accurate.

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Specific issues were raised bearing on reasons underlying the need for some kind of ethical guidelines. One of those was to point out that professions--whether law, medicine, or real estate--seem to agree on the need for some kind of cannon of ethics. On the other hand, the question was posed whether there was a specific element to the profession of intelligence -- as opposed to the military, diplomacy or other governmental activities -- that would necessitate a special code of ethics beyond the extensive body of laws, executive orders, and regulations which are already in existence.

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These considerations led to a discussion of intelligence as a part of the system of national security. In this area, the concepts of self-defense and national survival are the transcendental ethical and legal imperatives.

It is interesting to note that a sharp reaction was expressed to the organizational use of the phrase "dirty business" in reference to intelligence activities. Those who objected noted, for example, that there are other agencies in government which engage in special practices similar to those employed in some aspects of espionage -- recruitment of informants, wiretapping, purchase of information, etc. The others do not use the phrase as frequently as we seem to do.

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Having agreed that a code of ethics was neither practical nor desirable, there was considerable discussion of what might or should be done to develop and maintain ethical consciousness in the intelligence profession. There was agreement that there should be a systematic approach to this activity, through seminars similar to the present one, through regulations, through presentations on landmark occasions, and, most important, throughout the Agency's training activities.

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CONCLUSIONS

1. There is an absence of any authoritative and thoughtful articulation of what our professional goals are, what our future aims should be, and even what the larger perspectives of our activity are. The extensive legislative proposals and existing executive orders contribute little beyond restrictive and prohibitive provisions, resulting in a growing need to check out initiative and decisions in terms of legal and legislative implications.

2. Present Agency spokesmen say, in effect, that "the Agency has sinned in the past, but it is not sinning now because the restraints imposed by the Congress and the Executive have put sin beyond its grasp". The effect of this kind of thinking on the men and women of the Agency is subtle but devastating in the long run. It denies us any sense of place in the American scheme of things and leaves us with the conclusion that we are tolerated only because the unruly world in which we live makes us an unfortunate necessity. Ethics and creativity are meaningless in such a situation and intelligence becomes more trouble than it is worth.

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3. An inventory of the various review and advisory processes used by the Agency, including the Inspector General, Management Advisory Groups, and outside consultants and studies, shows that there is enough information and advice for a rather complete understanding of the intelligence process. What is currently required is to develop a statement of the role and mission of the Central Intelligence Agency. There must be a transition from a passive to an active posture on substantive issues, and the Agency itself must speak with more clarity and vigor, both internally and externally, on its own behalf.

4. Investigations, sensational publicity, and protracted and uncertain reorganization have caused the foreign intelligence establishment to be perceived by the consumer as being in need of clearer tasking, suffering from duplication of activities, and less able to be operationally responsive.

5. The outward flow of information from the Agency through FOIA channels and the growing number of published writings by former employees, with or without proper Agency clearance, have had the effect of lowering the security consciousness and eroding the security discipline of Agency personnel.

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6. It is not the principles of human rights that create a problem for foreign intelligence activity, but United States policies related to that issue and the way in which they are executed. In simple terms, it appears in many cases that the CIA is singled out as the government agency whose operations have to be changed or eliminated to be consistent with this policy. Thus, in many countries, where support and cooperation relations with the intelligence services of the host government are discouraged or prohibited, other inter-governmental relations, such as trade regulation or economic aid, are continuing.

7. The most recent developments within the Intelligence Community, whatever their purpose, have succeeded in emphasizing the division between analysis and collection. Moreover, the "one-agency" concept, so vigorously fostered by DCI Bush, is virtually dead. As a result there is an urgent need for a more centralized and coordinated tasking structure.

8. Existing external controls, with their attendant potential for deliberate or accidental publicity, as well as the perception of these controls among foreign nationals, have a significant inhibiting effect on various areas of intelligence activity, [REDACTED]

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9. Recent developments and interpretations of the law have already had an inhibiting effect on the way in which at least some activities, such as counterintelligence and foreign recruitment, are carried out, particularly in the United States. These inhibitions result not so much from recent prohibitions as from the cumulative impact of the environment which has prevailed in the last two or three years. To be realistic, it must be recognized that even internal considerations, such as the increasing number of approvals and legal opinions that have to be obtained in order to mount an intelligence operation, constitute an inhibition on initiative, boldness, and creativity.

10. "Bureaucracy", defined in this context as "an undesirable style of management", is on the increase in the Agency. The most pronounced and disquieting manifestation of this trend is a general tendency toward defensiveness: in responding to external criticism, in the development and protection of careers, and in the face of legal problems of all kinds. A corollary tendency is for authority to "creep up", both in the sense of management failing to delegate authority and in the sense of professionals being reluctant to accept responsibility.

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11. The period of continuing publicity and frequent changes at the top as well as the present stage of uncertainty and reorganization, are seen as exacting a high price in reduced creativity, morale, and esprit de corps. There is an absence of definition or understanding of the mission and role of the CIA. In an overall view, there is little problem with ethics compared with the hazards introduced by weakened creativity and spirit.

12. Vigorous and extensive discussion resulted in unanimous agreement that a written code of ethics was neither practical nor desirable. The body of laws, regulations, executive orders, and internal directives provides ample guidance; beyond that, the personal and professional ethical norms of each individual must and do make sure that institutional ethics is more than administrative orthodoxy.

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RECOMMENDATIONS

1. The most urgent and vigorous recommendation of the Symposium, supported by unanimous consent and call for prompt action, is for a reaffirmation of the character and purpose of national foreign intelligence as those in our profession today and the dedicated officers before us know them to be. There must be a definition of the role, mission, and place of foreign intelligence in American government and in American life. All members of the Agency must participate in the task, building on what was done during this Symposium and is collected within this report. It is this reaffirmation and not a code of ethics that is required. Once formulated it must remain in our professional consciousness through internal communication and use in training programs. Specifically, a drafting board should be set up without delay including Symposium participants but not limited to them. A statement of mission is to be drawn up, circulated to all Agency employees, and in its final form presented to the Director of Central Intelligence to be issued and used by his authority.

2. The Agency must acquire a clear perception of its role, mission and mandate. On this basis it must communicate in a forthrightly manner with the executive, the legislative, and with its own personnel. In particular, the Agency must

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work closely and frankly with congressional oversight committees to refine existing and impending controls, to change or remove unreasonable and unworkable provisions, and to develop procedural exceptions and provisions for waivers which are essential to flexibility and effectiveness.

3. Despite the virtual abandonment of the "one-agency" concept, there is an urgent need to apply team approaches, involving technical, clandestine, and analytical components, to the tasking process. This way of creative coordination and correlation of professional skills is urged as being far superior to structuring centralized management lines.

4. The Agency should commence without delay preparations for appropriate action with the Congress and elsewhere designed to bring about adjustments in the provisions of the Freedom of Information Act so that full compliance with this legislation does not continue to result in damage to legitimate security interests. Provisions and processes of FOIA must recognize the special problems and unique responsibilities of an intelligence service.

5. The unique difficulties imposed on foreign intelligence activities by the articulation and implementation of United

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States human rights policies are of such a nature that they should be discussed frankly and constructively with the appropriate oversight committee of the Congress. It is essential that the Agency assume a responsible position on this important issue and present it to the Congress.

6. The Agency should keep records of specific cases where rigidity of existing controls thwarted necessary and effective action, as for instance in cases of search warrants.

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APPENDIX C

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SUMMARY OF FIRST TWO SEMINARS (TR/SR 77-02)

15 February 1977

In late 1976 and early 1977 two groups of CIA officers gathered under the auspices of the Center for the Study of Intelligence in the Office of Training to discuss the impact of new controls and ethical considerations upon the climate of creativity and initiative in the Agency. The first group was composed of senior officers (in rank and years of experience) and was charged by the DDCI to consider also aspects of dissent, awards, and foreign liaison as they pertained to the basic issue.

The first group concluded that the new controls and ethical considerations were not encumbering creativity and initiative, but singled out other elements viewed as essential in maintaining and improving a climate for creativity in CIA. These were: clarifying the aims and goals of CIA, a reversal of the tendency to "suck up" authority for decision making to higher and higher levels; preservation of concern with the long-term impact of proposed programs; conveying a "style" of leadership which encourages creative initiative and innovation; improving the climate for responsible dissent; raising ethical consciousness; and finally, marshalling the arguments to defend foreign liaison relationships while examining alternatives.

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The second group, representing a wider cross section of employee occupations, was composed of somewhat lower ranking officers, some of whom were considerably more junior in years of experience. Asked to review the findings and recommendations of the first group, it identified different issues of prime importance to a proper climate of creativity in the Agency, although it basically agreed with the findings of the first group. The issues the second group viewed as important were: improving vertical and cross-Directorate communication; eliminating the bureaucratic isolation of the offices and Directorates from one another; clearer and continuing statements of goals and purposes of the Agency and the reasons for them; more feedback to individuals on the value of their professional efforts; and finally, wide discussion of aspects of ethical issues, both the ethics of Agency activities and the ethics of Agency management of people. Both groups viewed ethical issues as being Agency-wide concerns not limited to a single Directorate.

Both groups made formal recommendations to assist in carrying out these views.

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APPENDIX D

Recommendations of the Seminar on

Ethics and Creativity in CIA

Held 11 and 12 November 1976

1. To Preserve and Enhance Employee Creativity and Initiative, the Agency should:
 - a. take every opportunity to stress that individual officers should try to exercise their responsibility and authority to the fullest, avoiding unnecessary referrals of minor matters up the line.
 - b. take every opportunity to stress the interest in and receptiveness of management to individual initiative.
 - c. continue to stress and develop personnel programs designed to cut the size of the Agency's work force, improve its evaluation systems for employees and provide opportunities for rotational assignments.
 - d. seek to stem the trend of decision-making authority to rise to ever-higher levels by a conscious effort to delegate authority downward, and set a tone of trust towards the levels to which that authority has been delegated.
 - e. take a detached look at the extent to which MBO and other formal management systems may be inhibiting creativity.
 - f. encourage the further development at a component level of informal "developmental" or "idea" units.
2. In Coping With Criticism of CIA Foreign Liaison Relationships, the Agency should:
 - a. explicitly develop for use with the critics the best possible case for maintenance of responsible liaison.

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- b. explicitly request interested Agency officers to come forward with ideas for new collection techniques to compensate for any future losses in liaison information.
 - c. encourage initiatives designed to modify objectionable behavior of liaison services.
3. To enhance a CIA Internal Climate that Does not Discourage Responsible Dissent, Management Throughout the Agency Should:
- a. take every opportunity to maintain an open decision-making process up and down the line that truly provides opportunities for pro and con consideration of issues in a given situation.
 - b. avoid the creation of further formal mechanisms for dissent, while seeking to apply, where circumstances seem appropriate, such techniques as the A team, B team approach to problems and issues.*
4. To Enhance Our Ethical Consciousness, the Agency Should:
- a. authorize an explicit, broadly-based effort to develop an ethical canon, recognizing that this is a tricky, difficult task, but that the benefits of the process itself will probably be well worth the effort.
 - b. provide explicit opportunities in the training cycle of the Agency for the discussion and exploration of ethical problems that arise in all parts of the Agency.
 - c. consider the dissemination of an official statement aimed at our employees delimiting and explaining the Agency's policies and processes on covert action.

*This recommendation was supported by a majority; a minority believes there should be further formal mechanisms on major issues.

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Recommendations of the Seminar

Held 17 and 18 January 1977

Creativity

1. In order to foster better communication and break down the bars of isolation of office-level components:

Senior managers should occasionally attend the staff meetings of the next lower level to see that essential concerns are communicated and placed in the correct context. Staff meetings should be used for the positive communication channel they might be.

Decisionmaking should involve all office-level components across Directorates that will be affected, not just the action office that will carry it out.

Interdisciplinary and "Country Team" approaches should be used on major undertakings of the Agency to a much greater degree than at present.

The dissemination of information within the Agency on the degree and nature of response, awards, or recognition given creative initiatives should be broadened.

2. In order to foster greater flexibility in response to creative initiative and bolster management requirements for a climate of creativity:

Tangible rewards for creative suggestions should be provided by recognizing the achievement officially. Cash awards, where clearly applicable should be continued, but other avenues such as more employee input into rotational and future assignments as well as increases in an individual's responsibilities, might be considered as rewards for outstanding creativity. Here a distinction is drawn between excellence in doing one's job and truly creative work that goes beyond that.

Letters of Instruction and Fitness Reports should reflect the duty of a supervising officer to maintain a hospitable climate for creativity and record the degree of this attained by managers. Our management training must include some instruction on how to foster a creative climate among

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subordinates. The DDO "precepts" for job/grade categories should reflect the requirement for openness to new and creative ideas as a prerequisite for management/grade promotion.

3. To further enhance the climate for creative initiative:

Provide a better articulation of Agency aims and goals, especially the reasoning behind our choice of policies and objectives.

Encourage greater efforts at program rationalization and justification so that abandoned programs are definitely identified as such and new programs become the full focus of attention.

Review the application of MBO to assure that it is given a fair chance, implemented uniformly, its concepts disseminated at all levels through education, and that the real participation and communication vital to MBO is exercised.

The group endorsed the first seminar recommendation of encouraging the further development of component-level "developmental" or "think" units. It recommended "Creativity Committees" vertically organized which would permit the movement of ideas and solutions developed in such forums through to action. These would not be "bitch," but rather suggestion, forums providing an avenue above any officer's immediate superior for a hearing of a creative idea without prejudice to one's career.

Awards

Develop ways to channel back statements of appreciation for work well done once the value of the effort is evident.

Increase the use of non-cost methods of recognition for work exceptionally well done, such as medals, citations, certificates, letters of commendation, etc.

Continue and expand the present suggestion and special achievement awards system.

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Dissent

1. Personal Dissent:

Guidance counseling is the weakest link in this chain, and it should be improved by better integration of the full range of Agency assistance that can be brought to bear, including psychological, medical, training, Career Management Group, and normal office professional career guidance. The task should not be placed in the hands of the Office of Personnel because, despite helpful intentions, OP does not have the kind of knowledge about the various components that is necessary for effective guidance counseling.

2. Policy Dissent:

Pre-decisionmaking periods should be delineated with the factors involved in the decision spelled out, providing a period of time for thought and review of the matter by all elements involved before a formal dissent must be taken.

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Additional formal mechanisms short of appeal to the IG should be created. (NOTE: As with the first group, the second was divided, and it was about equally divided on this point.)

3. Organization/Management Dissent:

Periodic zero-based management review of each unit's work at unit conferences which would involve all employees in a reexamination of all significant facets of organizational methods and management processes.

Ethics

The legal guidelines under which the Agency now operates must be understood by all managers down to branch level, especially the interpretation and implementation of E.O. 11905 and

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An open forum should be established for Agency employees to discuss ethical issues such as:

- a. legality vs. ethics
- b. are there ethical standards that are valid for all Directorates?
- c. impact and implementation of new CIA constraints and guidelines.
- d. individual responsibility vs. blind following of orders.
- e. controversial Agency operations or practices which have been revealed to the public-- presented in a general, philosophic framework that CIA employees can understand.

A serious reexamination of the ethical considerations involved in the handling of people within the Agency should be undertaken.

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CONFIDENTIAL**APPENDIX E****Program****Wednesday, 29 March 1978**

0930-1000 Check in [] 25X1

1000-1030 Welcome [] 25X1

1040-1130 Lecture/Discussion: [] 25X1
 "A Code of Ethics for Intelligence" Professor of Politics and Dean of the Kennedy School of Government, Harvard University

Professor [] discusses the problem of a code of ethics for American intelligence. He notes the need for such a code. He comments on means of achieving a code through legislative or executive action and doing this while continuing effective collection and analysis of foreign intelligence and, particularly, the initiation of future programs. He looks at the relationship of government requirements, of technical difficulties, and of individual standards. He proposes some structural and administrative changes which may encourage and support a clear standard of ethical practice for the intelligence officer. 25X1

1130-1230 Lunch

1230-1320 Continuation of Discussion:
"A Code of Ethics for Intelligence"

1330-1400 Introduction of Participants and Discussion of Topics

1410-1600 Lecture/Discussion: [] 25X1
 "A Personal Ethic and Company Ethic" Professor of Political Science and Contemporary Affairs, Federal Executive Institute, Charlottesville, Virginia

Professor [] looks at the problem of defining a personal ethic as it faces a civil servant and, specifically, an intelligence officer today. Through comment and exchange with the group, he brings out some of the difficulties and contradictions encountered in formulating and applying a 25X1

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Wednesday, 29 March 1978

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personal ethic. He looks at the interaction of individual, collective, and institutional ethics. He comments on the impact on a personal ethic of such factors as: position, organizational commitment, technological and institutional change, and interpersonal relationships. He attempts to alert the participants to an awareness of the need for an ethical formulation and to stimulate them to grapple with the problem from a personal and an organizational standpoint.

1600-1730 Social Hour

1730-1900 Dinner

1900-2100 Group Discussions:
"Creativity and Controls
in CIA"

Thursday, 30 March 1978

0700-0830 Breakfast

0830-0930 Panel Discussion: "The
Questionnaire: Ethics
and Intelligence"

Participants in this Symposium were asked to respond to a questionnaire on "Ethics and Intelligence" prepared last year by members of the CIA Senior Seminar. This questionnaire aims to probe into some of the types of questions indicative of real life situations. Representatives of the Office of Research and Development (ORD) have employed computer tabulation to measure these responses. [redacted] of ORD, who initiated the Senior Seminar project, will report on the results of the tabulations.

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0930-1000 Coffee Hour

1000-1200 "Ethical Issues of
Military Leadership"

[redacted] 25X1

[redacted] Director 25X1

International Legal
Studies, U.S. Army
War College, Carlisle,
Pennsylvania

Since ancient times, military literature has treated the subject of ethics, both personal and institutional. Words such as honor, loyalty, obedience, just and unjust wars all suggest underlying ethical questions. [redacted]

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[redacted] looks at some of the traditional elements of the military ethic. He observes how military values have been inculcated and applied and then assesses the situation as it exists today. He discusses changes made or contemplated in rules or standards governing personal conduct, relationship to command and the responsibility of the individual for the results of his actions or those of his unit. [redacted] notes some of the philosophical and disciplinary problems which may result from the reassessment under way and discusses approaches to handling this problem at institutions such as the Army War College.

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1200-1300 Lunch

1300-1500 Group Discussion: "Ethics,
Law, Individual Rights and
the Intelligence Profession"

In small groups and then in a collective gathering, participants will consider various problems facing us in today's world, including:

- a. Ethics and the Intelligence Profession
- b. The Law and the Profession
- c. Human Rights
- d. Mechanisms for Review and Criticism

1500-1600 Conclusion: Questions for
another day.

APPENDIX F

ETHICS QUESTIONNAIRE

(to follow)

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